

REMARKS

The Office Action mailed April 29, 2008, has been received and its contents carefully noted. By this Amendment, claims 1, 4, 12-18 and 20-21 have been amended, claims 11, 19 and 22-23 have been canceled, and claims 31-34 have been added. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended is respectfully requested.

Restriction Requirement

In the Office action mailed April 29, 2008, the Examiner required a restriction as follows:

Group I, claims 1-10, drawn to a polymer material; and

Group II, claims 11-30, drawn to a method of making the polymer material.

The Examiner deemed that the inventions of Groups I through II do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they were considered by the Examiner to lack the same or corresponding special technical features. Specifically, the Examiner deemed that the single concept common to the groups is the block copolymer as described in claim 1. The Examiner, however, deemed that the block copolymer of claim 1 does not offer a contribution over the prior art in view of Example 5 in paragraph 0051 of European Patent EP 0 947 527 A1 (Pouraiimady).

Applicants hereby elect to prosecute the claims of Group II (claims 11-30 and newly added claims 31-34), with traverse. This election is made with traverse in view of the claims as amended herein. Specifically, the claims have been amended clarify that the materials are obtained by controlled radical polymerization in the presence of nitroxides. Pouraiimady does not teach or suggest controlling radical polymerization in the presence of a nitroxide. Instead, Pouraiimady simply lists some free radical initiators known in the art which are suitable for polymerization. Nowhere does Pouraiimady teach or suggest additionally adding any nitroxide for the polymerization.

Therefore, Applicants respectfully submit that the single inventive concept that is common to the claims of Groups I and II is radical polymerization in the presence of nitroxides. Therefore, the Restriction Requirement should be withdrawn and the claims of Groups I and II examined together.

Election of Species

If Applicants elected Group II, the Examiner also required an election of species as follows:

Species A as disclosed in paragraph [0041] of the instant application as published; and
Species B as disclosed in paragraph [0042] of the instant application as published.

Applicants hereby elect Species A. At least claims 1-10, 14-18, 20-21, 24-25, 29-31 and 34 are generic, while claims 12, 26-28, 32 and 33 further read thereon.

Since Pouraiimady does not teach or suggest block polymers having a brittle matrix having a glass transition temperature of greater than 0°C dispersed therein, at least the claims which include such a brittle matrix should be allowable over Pouraiimady.

CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. The right to file one or more divisional applications to the non-elected groups is respectfully reserved. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our **Deposit Account No. 02-4300**, Attorney Docket No. **033808R197**.

Respectfully submitted,
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